

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 30-Mar-05APPL. S.N.: 09/883.424TO: EXAMINER EDWARDS, JR., TIMOTHYART UNIT: 2635FROM: Ward, karen

RETURN THIS MEMO TO:

Case Drop-Off Location

PARALEGAL SPECIALIST

PK2-8A36

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 07-Jan-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

☐ The T.D. is PROPER and has been recorded (see ¶14.23).

☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶14.24):

☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶14.26.07).

☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶14.26 & 14.26.01).

☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶14.27.01).

☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶14.26 & 14.26.02).

☒ The person who signed the T.D.:

☒ is not an attorney “of record” (see ¶¶14.29 and 14.29.01).

☐ has failed to state his/her capacity to sign for the business entity (see ¶14.28).

☐ is not recognized as an officer of the assignee (see ¶¶14.29 & possible 14.29.02).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶14.30).

☐ The T.D. is not signed (see ¶¶14.26 & 14.26.03).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶14.26, 14.27.02 or 14.26.05).

☐ The period disclaimed is incorrect or not specified (see ¶¶14.26, 14.27.02 or 14.26.03).

☐ Other:


☐ Suggestion to request refund (see ¶14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____

Date: _____

Log Date: _____

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|---|--------------------------------------|-------------------------------------|--|
| Application Number  | Application No. 09/883,424 | Applicant(s) CHACO ET AL. | |
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| TERMINAL DISCLAIMER | <input type="checkbox"/> APPROVED | <input checked="" type="checkbox"/> DISAPPROVED |
| Document Code - DISQ | This patent is subject to a Terminal Disclaimer | <i>ATTY NOT OF RECORD</i> |
| INTERNAL DOCUMENT - DO NOT MAIL | | |



Attorney Docket No.: 8266-0681

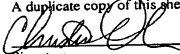
**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c) IN RESPONSE TO
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION OF CLAIM
NOS. 31-37 OF APPLICATION SERIAL NUMBER 09/883,424**

Applicant: Chaco, John et al.
Application No.: 09/883,424
Filing Date: June 18, 2001
Title: PATIENT CARE AND COMMUNICATION SYSTEM

The owner, Hill-Rom, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Number 5,689,229 as to claims 31-35 and prior Patent Number 5,594,786 as to claims 36 and 37. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Please charge the terminal disclaimer fee of \$130.00 to Bose McKinney & Evans LLP's Deposit Account No. 02-3223. A duplicate copy of this sheet is enclosed.


Signature

03 January 2005
Date

Christine E.M. Orich, Reg. No. 44,987
Typed or Printed Name

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